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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

2165

DATE MAILED: 04/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

chd

Office Action Summary

Application No.

09/618,744

Applicant(s)

HILL, CHARLES E.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 and 3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 4 of U.S. Patent No. 6,131,088. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current claim represents a broader version of the claim in the patent and is thus an obvious modification thereof. For example, claim 1 of the application does not recite that the

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stored product data is a first subset, and while establishing link and transmitting the data request to main computer query identification data is stored at the remote computer and is used to validate the connection and transmission to the main computer. In modifying the patented claim in the present application, several features are eliminated. The courts have held that elimination of element and its function is not inventive step; therefore, the claim is an obvious modification of the patented claims.

Claims 18-19 are apparatus claims with all their limitations corresponding to the method claims 1 and 3 and therefore they are analyzed and rejected similarly.

Claims 2, 4-17 and 20-24 are dependencies of independent claims 1 and 18 they inherit the same deficiencies and are therefore analyzed and rejected similarly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-9, 12, 14-15, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (UK Patent GB 2203571 A) in view of Hornbuckle US Patent 5,388,211).

With regards to claims 1 and 4, Benson teaches a method for accessing

information related to a product stored in a main computer from a remote computer (pg.1, lines 1-4, and in FIG.1, combination of administrative center 30 and electronic mail boxes 20 corresponds to main computer and 11 to remote computer. Electronic mail boxes 20 store the variable data received from administrative center 30 for onward transmission to remote computers. Note: The claimed main computer 12 is coupled to other hardware components/system –col.8, lines 10-17-to enable it function to achieve the claimed invention. Similarly electronic mail box 20 is an integral part of the main computer system in Benson). Benson discloses storing product data for a plurality of products in a memory of the main computer (pg.1, lines 1-4, “...*provide a data bank information at a central location..*”) and for at least on product in a memory of the remote computer (pg.1, lines 4-6, “..*hold a data bank of information on their own computers....*”).

Benson's objective is to keep the contents of each user's stored data up-to-date (pg.1, lines 6-9) and keeping this objective in mind Benton anticipates the claimed limitations of selecting one of the products and generating a data request query apropos of that product at the remote computer, automatically establishing a data link and transmitting the data request query to the main computer (pg.3, lines 24-30). Benson's act of using keyboard corresponds to selecting a product (see pg.1, lines 20-24, “..*remote computer...with monitor and keyboard...and any item of data bank can be called....*”) and thereafter the commitment of calling electronic mail box 20 relates to automatically generating a query for the updated data and transmission of this enquiry to main computer (pg. 4, line 25-pg.5, line 28) “...*each user's data bank may be employed to generate messages for sending automatically via the modem to the electronic mail boxes.....*”). Benson further discloses selecting updated product data at the main computer and transmitting the same to the remote computer (pg.3, lines 18-30. In Benson, the updated data in the form of message is stored in the mail box and on receipt of

the call i.e., transmission of the query from remote computer to main computer-mail box relates this query and forwards the message containing the updated data to the remote computer).

Benson fails to disclose automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer. However, Hornbuckle, in the field of accessing and downloading software on remote computers from host computer, teaches automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer (col.10, lines 40-42, "...once the software downloading process is complete, the host computer 12 commands RCM 18 to turn off power to the target computer 14 "). In view of Hornbuckle, It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of automatically terminating the data link between the remote computer and the main computer after transmitting the updated product data from the main computer to the remote computer in Benson. Obviously, doing so would reduce the traffic and load on remote computer and increase the availability of the remote computer to other users.

With regards to apparatus claim 18, all its limitations correspond to the method claim 1 and therefore it is analyzed and rejected similarly.

With regards to claims 3 and 19, Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson further discloses the step of transmitting a map from the main computer to the remote computer along with the updated product data to instruct the remote computer in the integration of the updated product data and the product data stored in

the memory of the remote computer (pg.3, lines 27-30, "*..any data-alteration messages are then processed automatically to update the data bank.....*"). Note: Benson's disclosure of processing of data-alteration to update the data bank relates to mapping or adapting the alteration to update the data bank at the remote computer.).

With regards to claims 5-6, 8-9, 12,14-15, 17, 20-21 and 23- 24, Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson also discloses transmitting product data from main computer to remote computer, replacing portions of product data with updated product data and integrating updated data with the stored in the memory of the remote computer (pg.3, lines 7-30) and this product data can be graphical, textual, constant and variable as suggested by Benson (pg.4, lines 1-7, "*..The nature and contents of the data bank will depend upon the user's field of business or interest....*", and pg.5, lines 10-13, "*...user's data bank in this case comprises a directory of suppliers and may also include information on prices, etc....*"). Note: information about prices can be in textual form and vary from time to time, information about suppliers can be in textual form and can be constant, similarly information about products of suppliers can be in both graphical and textual forms and may remain constant or change.).

With regards to claims 7 and 22, Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claims 1 and 18, above. Benson further discloses transmitting display information from the main computer to the remote computer, the display information indicating a format of the textual data and a display location of the graphical

data relative to the textual data (pg.4, lines 25-27, "*Each user's data bank....any item...called to the monitor screen...*"). Note: Benson explicitly discloses displaying information from the remote computer and this information is the transmitted information from the main computer. Further, as analyzed in claim 6 above, the information in data bank can be in both graphical and textual forms.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Carey et al. ("Data Catching Tradeoffs in Client-Server DBMS Architectures", ACM 0-89791-425-2/91/0005/0357, 1991).

With regards to claim 2, Benson & Hornbuckle teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1, above. Benson & Hornbuckle fails to teach the use of SQL in generating a data request query. However, Carey teaches the use of SQL in generating a data request query (pg.1, Para 2, "*...Most commercial relational database management systemswith SQL queries.....*"). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of using SQL in generating a data request query. Doing so will help in interacting between main computer and remote computer as suggested by Carey (pg.1, Para 2, "*...Most commercial relational databaseare based on client-server architectures, with SQL queries and their results serving as the basis for client-server interactions*").

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6. Claims 10-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson & Hornbuckle and further in view of Alonso et al., " Data Catching Issues in an Information Retrieval System ", ACM Transactions on Database Systems, Vol.15, No.3, September 1990, pgs. 359-384).

With regards to claims 11, 13 and 16 Benson & Hornbuckle teaches a method and an apparatus for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 1. Benson further discloses updating the data of the remote computer by transmitting the updated data from the main computer (pg.3, lines 7-30) and clearly suggests that the data could be graphical, textual or textual or graphical, constant or variable or constant and variable as analyzed in claims 5-6, 8-9, 12,14-15, 17, 20-21 and 24 above. Benson fails to teach comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data.

However, Alonso teaches comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data (pg.363, Para 3, "*..In this paper we assume.....most up-to-date-version.....users of database browsers based on the idea of portals* ", and pg. 363, Para 4- pg.364, Para 6, "*..All updates take place at the central site.....object is modified, new versions are createdAll users or application programs running at a node share the quasi-cache....an access to object x by a userwill return the local image x' if it exists....SELECTION CONDITIONS.....*". Note: Users relate to remote computers and central site to main

computer in the application. All remote computers get the updated programs from the main computers after comparing the revisions and determining the updated revision. Objects relate to product data). It would have been obvious to a person of an ordinary skill in the art at the time of the invention to include the feature of comparing a revision level of the data stored in the memory of the remote computer to a revision level of the data stored in the memory of the main computer, selecting the data stored in the memory of the remote computer with the different revision level to determine the updated data. Doing so would ensure users to avail the most recent version of the data and avoid wasting of resources from the use of obsolete data.

With regards to claim 11, Benson & Hombuckle in view of Alonso teaches a method for accessing information related to a product stored in a main computer from a remote computer as disclosed and analyzed in claim 10. Benson further discloses replacing portions of the graphical data stored in the memory of the remote computer with the updated graphical data transmitted from the main computer as already disclosed and analyzed in claims 5-6, 8-9, 12,14-15, 17, 20-21 and 24 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 5,351,186 to Bullock et al. discloses a system and method for storing data at main and remote computers, transmission of data from main computer to remote computer and the use of main computer allows to update the data on the remote computer (abstract, col.3, lines 18-22, col.6, lines 11-28).

(ii) US Patent 5,301, 350 to Rogan et al. discloses a storage/retrieval apparatus for storing data at main and remote computers, transmission of data from main computer to remote computer (abstract and col.4, lines 1-21),

(iii) US Patent 5,606,496 to D'Agostino discloses a computer system and method storing data at main and remote computers, transmission of data from main computer to remote computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yogesh C Garg
Examiner
Art Unit 2165

YCG
March 28, 2002


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